

Summary of draft changes to 9 A.A.C. 5, Child Care Facilities

R9-5-101. Definitions

- Added definitions for:
 - administrative completeness review time-frame
 - documentation
 - fall zone
 - governmental agency
 - immediate
 - inaccessible
 - name
 - outbreak
 - overall time-frame
 - physical injury
 - responsible party
 - signatory
 - sippy cup
 - substantive review time-frame
- Deleted the following definitions:
 - child (repeated statutory definition)
 - child care (repeated statutory definition)
 - controlling person (repeated statutory definition)
 - C.P.C. (no longer valid)
 - modification (term no longer used)
 - one-year-old care (term unclear)
 - person (no longer valid)
 - personal reference (term no longer used)
 - preparing food (duplicate definition)
 - professional reference (term no longer used)
 - nurse (term no longer used)
 - S.T.R.I.V.E. (no longer valid)
 - substantial compliance (repeated statutory definition)
- Amended the following definitions:
 - accredited (update)
 - activity area (format change)
 - applicant (consistency with other rules)
 - assistant teacher-caregiver (consistency with practice)
 - association or cooperative (consistency with practice)
 - business organization (clarity)
 - C.C.P. (consistency with practice)
 - compensation (clarity)
 - credit hour (format)
 - designated agent (consistency with other rules)
 - discipline (update)
 - endanger (format)
 - facility (format)
 - field trip (consistency with practice)
 - final construction drawings (consistency with other rules)
 - health care provider (consistency with practice)
 - licensee (format)
 - N.A.C. (consistency with practice)
 - one-year-old (clarity)
 - private pool (consistency with other rules)
 - public pool (consistency with other rules)
 - public school (consistency with statutes)
 - registered nurse practitioner (clarity)

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- semi-public pool (consistency with other rules)
- service classification (consistency with practice)
- staff or staff member (consistency with statute)
- student-aide (consistency with other rules)
- supervision (consistency with practice)
- swimming pool (consistency with other rules)
- training (removed requirement)

R9-5-102. Individuals to Act for Applicants or Licensee Regarding Document, Fingerprinting, and Department-Provided Training

- Deleted extraneous language consistent with other rule changes

R9-5-201. Application for an Initial License

- Changed the age requirement for an applicant from 18 years old to 21 years old
- Reformatted and clarified application requirements
- Deleted requirements for an Applicant, Staff, and Resident Report Form
- Deleted requirements for a Director's Qualification Form
- Moved from R9-5-607 requirements for a floor plan and site plan
- Provided alternate floor and site plan requirements for facilities located in public schools
- Added more options for showing building is safe for occupancy

R9-5-202. Time-Frames

- Made minor changes for clarity

R9-5-203. Fingerprinting Requirements

- Made changes consistent with statutory changes
- Deleted duplicative requirements

R9-5-204. Child Care Service Classifications

- Made minor changes for clarity

R9-5-205. License Renewal

- Deleted requirements for submission of information previously submitted
- Deleted repetition of a statutory provision

R9-5-206. Changes Affecting a License

- Clarified, consistent with changes in the site plan and floor plan requirements in the initial application, submission requirements for a facility change
- Clarified, consistent with changes in other rules, the submission requirements for a change in a controlling person or responsible party

R9-5-207. Change in Director

- Deleted Section, including requirements for the Director's Qualification form
- Moved remaining requirements for notifying the Department of a change in director, consistent with statute, to R9-5-301

R9-5-208. Inspections; Investigations

- Deleted language that restated statute
- Clarified language consistent with other rule changes

R9-5-209. Denial, Revocation, or Suspension of License

- Deleted provisions that lacked statutory authority

R9-5-210. Fees

- Added the word "license" for clarity

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R9-5-301. General Licensee Responsibilities

- Added change of director notification consistent with statute
- Moved director designee qualifications to R9-5-401
- Added requirements for specific attendance record retention
- Moved requirements for parent notification to R9-5-302
- Amended language consistent with other rule changes
- Amended tuberculosis screening requirements consistent with recommendations from DHS TB program
- Moved requirements for parental notification of injury to R9-5-514
- Added a requirement for restricting a staff member's presence in the facility during an outbreak of a disease if the staff member does not have proof of immunity to the disease
- Added a requirement for Department notification if a child dies at the facility during hours of operation

R9-5-302. Statement of Child Care Services

- Added a requirement for the facility's identifying information on the statement of child care services
- Added requirements for parental notifications, moved from R9-5-301
- Deleted requirements for submission to the Department and parents every time there is a change in the statement of child care services, consistent with statutory requirements

R9-5-303. Posting of Notices

- Removed restrictive language for posting
- Removed requirements for posting of legal notices since the licensee has a right to request a hearing after receiving the legal notice
- Made a format change

R9-5-304. Enrollment of Children

- Deleted requirements for the following information on a child's emergency card:
 - Parent's business addresses
 - Emergency contact person's addresses
 - Names of individuals not permitted to remove the child from the facility
 - Health care provider's address
 - Hospital name, address, and telephone number

R9-5-305. Child Immunization Requirements

- Added provisions to allow an immunization record generated from the Arizona State Immunizations System
- Amended language to correct citations
- Clarified requirements for exclusion from the facility during an outbreak of a disease

R9-5-306. Admission and Release of Children; Attendance Records

- Deleted requirement for an individual other than a child's parent to show picture identification every time the individual released the child
- Added a provision that requires the facility to develop, document, and implement policies and procedures to identify individuals other than a child's parent when the individual releases the child
- Deleted the requirements for a roster
- Added a provision that requires the facility to develop, document, and implement a process that documents the presence of an enrolled child in an activity area

R9-5-307. Suspected of Alleged Child Abuse or Neglect

- Made minor changes for clarity

R9-5-308. Insurance Requirements

- Added a requirement for the retention of proof of insurance on facility premises
- Changed the requirement for proof of insurance from "certificate" to "documentation"

R9-5-309. Sanitation, Gas, and Fire Inspections

- Deleted requirement for a sanitation inspection since facilities required to have a food establishment permit are addressed in R9-5-509

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- Added language to clearly state the circumstances under which a gas inspection is required
- Deleted requirement for a fire inspection every 36 months

R9-5-310. Pesticides

- Made minor changes for clarity

R9-5-401. Staff Qualifications

- Reformatted for consistency and clarity
- Moved from R9-5-301 qualifications for director's designee
- Deleted outdated terms
- Changed the age requirement for a volunteer from 16 years old to 15 years old

R9-5-402. Staff Records and Reports

- Reformatted for consistency and clarity
- Deleted requirements for personal and professional references and added a reference to the statutory requirements for references
- Clarified retention requirements

R9-5-403. Training Requirements

- Increased training requirements from 12 hours a year to 18 hours a year
- Added requirements for training in specific subjects dependent on experience or job duties

R9-5-404. Staff-to-Children Ratios

- Clarified staffing requirements when children are present at the facility
- Clarified requirements for not performing other duties while providing child care services
- Clarified requirements for a lifeguard on the premises during swimming activities

R9-5-501. General Child Care Program and Equipment Standards

- Revised language to prevent duplicative cites
- Removed the term "endanger" and replaced with "placed at risk of harm"
- Moved provisions for physical plant fire and safety standards to R9-5-605
- Clarified requirements for the provision of drinking water
- Deleted duplicative requirements
- Deleted requirements for a safety strap on high chair
- Moved provisions for napping and sleeping materials R9-5-511
- Moved provisions for parental written permission for swimming to R9-5-605
- Moved provisions for health and cooling safety standards to physical plant fire and safety standards in R9-5-605
- Moved provisions for toilet room standards and storage space for sleeping materials and equipment to appropriate Sections
- Rewrote storage requirements for toxic materials and cleaning equipment for clarity and consistency with practice
- Deleted duplicative requirements
- Added requirements for the implementation of the schedule and lesson plan

R9-5-502. Supplemental Standards for Infants

- Deleted a 24-month window from the effective date of the previous rules within which licensees were required to comply with the requirement for a wall-enclosed room for infants
- Deleted duplicative requirement for the posting of each infant's name
- Clarified language for crib placement
- Clarified language for restricting soft stuff in a crib when an infant is sleeping
- Added requirements for placing an infant on the infant's back to sleep
- Rewrote language for feeding requirements for clarity and to allow breast milk

R9-5-503. Standards for Diaper Changing

- Corrected citations

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- Deleted requirement for antibacterial soap
- Rewrote language for diaper containers to correct format issues

R9-5-504. Supplemental Standards for 1-year-old and 2-year-old Children

- Made minor formatting changes
- Added requirements for labeling sippy cups provided by a child's parent

R9-5-505. Supplemental Standards for 3-year-old, 4-year-old, and 5-year-old Children

- Made minor formatting changes

R9-5-506. Supplemental Standards for School-age Children

- Moved requirements for self-release to R9-5-306
- Made minor formatting changes

R9-5-507. Supplemental Standards for Children with Special Needs

- Made minor formatting changes
- Deleted a requirement for providing a copy of a child's individualized plan to the child's parent if the parent had provided the plan to the facility

R9-5-508. General Nutrition Standards

- Clarified requirements for making meals available or serving meals
- Moved the Table of Meal Pattern Requirements for Children to this Section
- Amended the Table consistent with current USDA recommendations

R9-5-509. General Food Service and Food Handling Standards

- Deleted circumstances under which a facility was required to obtain a food establishment permit and added a statement that local health departments determine if a food establishment permit is required according to 9 A.A.C. 8, Article 1
- Added a provision allowing the use of a single-use paper towel to wash a child's hands
- Added minimum standards for food service consistent with recommendations by DHS sanitation personnel

R9-5-510. Discipline and Guidance

- Added a prohibition against "abusive language"

R9-5-511. Sleeping Materials and Equipment

- Moved from other Sections requirements that were more appropriate to this Section
- Deleted duplicative requirements

R9-5-512. Cleaning and Sanitation

- Added an exception for containers used only for water to the requirement for storage in a container with a tight fitting lid
- Moved from other Sections requirements that were more appropriate to this Section

R9-5-513. Pets and Animals

- Made minor formatting changes

R9-5-514. Accident and Emergency Procedures

- Added a requirement for a sterile gauze roll to the first aid kit
- Deleted requirement for disposable latex gloves and replaced it with single-use gloves
- Rewrote requirements for a written emergency fire and emergency plan to comply with national standards
- Moved from other Sections requirements that were more appropriate to this Section

R9-5-515. Illness and Infestation

- Corrected citations

R9-5-516. Medications

- Made minor formatting changes

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- Added a provision to allow medication for life-threatening symptoms in the activity area where the individual is present, but inaccessible to enrolled children

R9-5-517. Transportation

- Moved from other Sections requirements that were more appropriate to this Section
- Changed the requirement for a heating system in a motor vehicle to maintain at least 68 degrees, from 60 degrees
- Changed the requirement for a cooling system in a motor vehicle to maintain at or below 82 degrees, from 86 degrees
- Corrected citations

R9-5-518. Field Trips

- Made minor formatting changes
- Added a provision requiring the written field trip plan to be taken on the field trip
- Added a provision establishing staffing requirements on a field trip

R9-5-601. General Physical Plant Standards

- Deleted all the provisions in this Section except the prohibition against facilities being located in a manufactured home or mobile home, which was moved to R9-5-602

R9-5-602. Supplemental Physical Plant Standards

- Moved from other Sections requirements that were more appropriate to this Section
- Made minor formatting changes
- Added a provision exempting activity areas used only for food service or for a specific activity for children older than 2 years of age from the requirement for a diaper changing area

R9-5-603. Facility Square Footage Requirements

- Made minor formatting changes

R9-5-604. Outdoor Activity Area

- Deleted requirement for an outdoor activity area on facility premises consistent with R9-5-603
- Added a requirement that play outdoor equipment is not located in the fall zone of another piece of outdoor play equipment

R9-5-605. Swimming Pools

- Corrected citations
- Clarified swimming pool log requirements
- Made minor formatting changes
- Deleted language prohibiting a licensee from added chemicals except for shock purposes
- Moved from other Sections requirements that were more appropriate to this Section

R9-5-606. Fire and Safety

- Deleted reference to R9-1-412
- Moved from other Sections requirements that were more appropriate to this Section

R9-5-607. Required Physical Plant Documents

- Deleted this Section, including specific requirements for factory-built buildings
- Moved requirements for site plan and floor plan submission for different types of facilities to initial license application